

Message

From: Cathy Laughner [cathyl@bkbh.com]
Sent: 5/18/2021 3:34:55 PM
To: Llamozas, Emilio [Llamozas.Emilio@epa.gov]
CC: Hanson, Robyn [Hanson.Robyn@epa.gov]; Garcia, Al [garcia.al@epa.gov]; Thomas Jodoin [TJODOIN@helenamt.gov]
Subject: Re: MRL Permit

Thank you.

Catherine Laughner

On May 17, 2021, at 4:46 PM, Llamozas, Emilio <Llamozas.Emilio@epa.gov> wrote:

Hi Cathy,
EPA has reviewed the updated MRL permit provided on 5/4/21 and has additional comments for the City's review. Please see attached document with tracked changes.
I am responding to the email list that you sent the email on May 4, 2021. Please feel free to forward the MRL permit comments to anyone else in the City.
Please let me know if you have any questions on the comments.

Thanks,

Emilio Llamozas

(303) 312-6407 phone

To report an environmental violation, please visit EPA's website at

<http://www.epa.gov/compliance/complaints/index.html>

From: Cathy Laughner <cathyl@bkbh.com>

Sent: Tuesday, May 4, 2021 8:05 AM

To: Hanson, Robyn <Hanson.Robyn@epa.gov>; Llamozas, Emilio <Llamozas.Emilio@epa.gov>; Garcia, Al <garcia.al@epa.gov>

Cc: Thomas Jodoin <TJODOIN@helenamt.gov>

Subject: RE: MRL Permit

Robyn,

This has been changed on the attached.

Catherine Laughner

From: Hanson, Robyn <Hanson.Robyn@epa.gov>

Sent: Friday, April 30, 2021 12:01 PM

To: Cathy Laughner <cathyl@bkbh.com>; Llamozas, Emilio <Llamozas.Emilio@epa.gov>; Garcia, Al <garcia.al@epa.gov>

Cc: Thomas Jodoin <TJODOIN@helenamt.gov>

Subject: RE: MRL Permit

CAUTION: EXTERNAL EMAIL

Cathy,

Thanks for raising this question, and for your separate email this morning providing another copy of the currently-issued MRL permit.

Regarding your February 1st email to me, it looks like I sent you a response on February 5th to notify the City of EPA's position that there was more to do and we would have comments. See attached. It is possible that we overlooked reconnecting further, as I can find no additional email traffic specific to the MRL permit concerns or attempts by either side to redline the relevant AOC paragraphs before our most recent revised proposal.

As Emilio explained during our meeting, the revised AOC we presented yesterday does include EPA's complete comments about the outstanding MRL permit deficiencies (see Paragraph 93), which were also raised in our original November 2020 AOC proposal. It also specifies the corresponding compliance actions (see Paragraph 104). So if the parties enter into the revised proposed AOC and the City complies, the continuing permit deficiencies will be addressed.

To summarize the issue underlying the sampling collection deficiency you asked about last night, below is an explanation of why the MRL permit is still deficient. As you note, Part 2. a. of the permit partially corrects the monitoring requirements concern set forth in the original AOC proposal (and renewed in the revised proposal). However, the monitoring frequencies themselves were not corrected to address EPA's previous comments and still indicate incorrectly that monitoring is to occur "Prior to Discharging to the sanitary sewer." Below is a complete excerpt of Part 2. a. of the current MRL Permit, highlighting both provisions:

PART 2- MONITORING REQUIREMENTS

- a. From the period beginning on the effective date of the permit until the expiration date, the permittee shall collect a **grab** sample prior to and during discharge from Outfall 001 for the following parameters, at the indicated frequency:

Parameter Monitoring Frequency

Benzene Prior to discharging to the sanitary sewer

BTEX Prior to discharging to the sanitary sewer

-Robyn

Robyn Hanson Emeson

Senior Assistant Regional Counsel

Office of Regional Counsel | Regulatory Enforcement Section

U.S. EPA Region 8 | 1595 Wynkoop St., Denver CO 80202 | Mail Code: 8ORC-R

Office: (303) 312-6485 | Hanson.Robyn@epa.gov

402.0044.2020_HelenaWWTP

From: Cathy Laughner <cathyl@bkbh.com>

Sent: Thursday, April 29, 2021 10:30 PM

To: Hanson, Robyn <Hanson.Robyn@epa.gov>; Llamozas, Emilio <Llamozas.Emilio@epa.gov>; Garcia, Al <garcia.al@epa.gov>

Cc: Thomas Jodoin <TJODOIN@helenamt.gov>

Subject: MRL Permit

All,

It is my recollection from today's call that one of the reasons EPA thinks the City is not in compliance is because it issued a permit to MRL that does not require sampling during discharge. This is incorrect. Part 2 a of the permit on page 2, requires sampling during discharge. It provides:

"The permittee shall collect a grab sample prior to **and during discharge** from Outfall 001."

Matt Culpo sent the MRL permit to Al Garcia on December 11, 2020 and did not receive any comments back even though Matt said, "Please let me know if you have any comments or revisions."

On February 1, 2021, I brought the December 11, 2020 MRL submittal to Robyn's attention and suggested we discuss it if EPA thought there was more for the City to do (see attached email). Within the next few days would you please inform me whether EPA continues to think the City is not in compliance due to the sampling language in the MRL permit. Thank you.

Catherine Laughner

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<EPA May 17 2021 MRL permit.docx>